

REMARKS

As a preliminary matter, the undersigned representative wishes to thank Examiner Rozanski and Examiner Winaker for engaging in the in-person Examiner's interview on October 22, 2009. The following remarks summarize and expand upon the points discussed during the October 22nd Examiner's interview. The applicants accordingly request that this paper constitute the applicants' Interview Summary. The applicants respectfully believe that agreement was reached on the claims and presents the above claim amendments in accordance with that agreement. If the Examiner notices any deficiencies in this regard, the Examiner is encouraged to contact the undersigned representative.

Dayco/McKesson Disclosure

In accordance with the undersigned's current understanding of the obligations imposed by *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003) and *McKesson Information Solutions, Inc. v. Bridge Medical, Inc.*, 487 F.3d 897 (Fed. Cir. 2007), the file histories of the following applications may contain information material to one or more of the pending claims. In assessing the patentability of the pending claims, the Examiner is respectfully requested to review the file history of each of the listed applications, determine whether such applications have "similar subject matter" and, if so, consider each substantive Office Communication and Office Action, including each reference on which a rejection is based, and each paper submitted by applicant therein. If the Examiner requires any further information in this respect, please let the undersigned know.

- a. Application Serial No. 09/877,498, filed on June 8, 2001; Non-Final Office Action mailed August 7, 2009.
- b. Application Serial No. 10/721,491, filed November 25, 2003.
- c. Application Serial No. 10/743,531, filed November 25, 2003.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 341148004US2 from which the undersigned is authorized to draw.

Dated: October 26, 2009

Respectfully submitted,

By

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